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United States Department of Agriculture

OFFICE OF THE SECRETARY

PLANT QUARANTINE AND CONTROL ADMINISTRATION



REGULATIONS PURSUANT TO PUBLIC RESOLUTION NO. 47, SEVENTIETH CONGRESS, ENTITLED "TO PROVIDE FOR ERADICATION OF PINK BOLLWORM AND AUTHORIZING AN APPROPRIATION THEREFOR," APPROVED MAY 21, 1928,

[Approved October 1, 1929; effective October 1, 1929]

Under authority conferred by Public Resolution No. 47, Seventieth Congress, approved May 21, 1928, entitled, "To provide for eradication of pink bollworm and authorizing an appropriation therefor," the following regulations are hereby prescribed governing the compensation of farmers on account of losses which may be sustained due to the establishment of any noncotton zone in any State of the United States:

Regulation 1

Applications for compensation by farmers will be considered only when they involve losses originating during the growing season of 1928, or later.

Regulation 2

Federal compensation shall be paid to farmers under these regulations only in a State which has established and enforced a noncotton zone, adequate in the opinion of the Secretary of Agriculture for the eradication of the pink bollworm therein and which shall appropriate and pay a sum equal to the amount expended in such State by the United States.

Regulation 3

All claims for compensating farmers for actual or necessary loss due to enforced nonproduction of cotton within any noncotton zone shall be reviewed and approved by a duly authorized representative of the Secretary of Agriculture.

Regulation 4

The Secretary of Agriculture shall be furnished, by a properly authorized official of the State, with a certified copy of the proclamation or other authority establishing the noncotton zone.

Regulation 5

The Secretary of Agriculture shall be furnished, by a properly authorized official of the State, a statement, duly certified (which certificate shall show the authority of such officer to make same) and, showing, for each claim submitted,

(a) That the reimbursement requested is for compensation for actual and necessary loss due to the enforced nonproduction of cotton and was sustained by the farmer because of the establishment of a noncotton zone in a county within which or within a radius of 5 miles thereof, the live pink bollworm has been found prior to the establishment of the noncotton zone.

(b) That the loss was determined as provided for in existing statutes of the State.

(c) That, in estimating such loss, due account has been taken of the value of other crops which were produced on said farm land, and that the loss for which compensation is claimed does not exceed the difference in return to the farmer from cotton over such other crops as were produced.

(d) That the farmer presenting the claim has complied in good faith with all of the quarantine and control regulations prescribed by the Federal and State Departments of Agriculture relative to the pink bollworm.

(e) Such other information as may be necessary fully to establish all facts in connection with the losses for which compensation is claimed.

Done in the District of Columbia this 1st day of October, 1929.

Witness my hand and seal of the United States Department of Agriculture.

[SEAL.]

ARTHUR M. HYDE
Secretary of Agriculture

PUBLIC RESOLUTION NO. 47, SEVENTIETH CONGRESS (S. J. RES. 129)

JOINT RESOLUTION TO PROVIDE FOR ERADICATION OF PINK BOLLWORM AND AUTHORIZING AN APPROPRIATION THEREFOR

Whereas a very serious emergency has arisen by reason of an outbreak of the pink bollworm involving some seven counties in the western extension of cotton in Texas which threatens one of the primary industries of the Nation and demands immediate action; and

Whereas there are only two possible means of meeting this situation, one by regulating the movement of cotton and cottonseed from the newly infested counties with the view of preventing long-distance spread through the agency of such products, and the other to declare and enforce noncotton zones as to such areas with the idea of the immediate eradication of the pest, with the object of saving the cotton crop of the Nation from general invasion and future enormous annual losses; and

Whereas regulation does not eradicate nor does it prevent spread except as to districts so completely isolated from other cotton as to eliminate the possibility of the natural spread of the pest, and, therefore, the regulation of these new areas in contact with continuous cotton cultivation will necessarily permit the natural and probably very wide spread of this pest yearly, and will amount, therefore, to giving up the battle to the Texas and the rest of the Cotton Belt from general and probably wide invasion by the pink bollworm, accompanied by annual and greatly increasing costs of such regulations; and

Whereas the only known means of eradication is by the establishment of noncotton zones for one or two years—a method which has a long record of successes, but which may become impossible as to such west Texas areas on account of natural spread and mounting costs if postponed; and

Whereas the losses due to such zones must fall primarily and heavily upon a small group of farmers, and inasmuch as these losses are in the interest of the cotton crop of the Nation, compensation of such farmers for actual and necessary losses due to the enforced nonproduction of cotton would seem to be fully warranted; and

Whereas the cost of the establishment of such noncotton zones in these new areas will be necessarily very large on account of the considerable cotton acreage involved—some three hundred and sixty thousand acres—costs which are in the interest of the entire Cotton Belt; and

Whereas the State of Texas has now no funds available for such compensation of farmers and its legislature is not now in session and will not normally come in session for another year, and, further, the securing of such funds by the State would involve new legislation and new taxation very unlikely to be obtained in view of the amount involved, and the fact, as indicated, that such expenditure would be for the protection of the entire Cotton Belt: Therefore be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That when any State shall have enacted legislation and taken measures, including the establishment and enforcement of noncotton zones, adequate, in the opinion of the Secretary of Agriculture, to eradicate the pink bollworm in any area thereof actually infested, or threatened, by such pest, the said Secretary, under regulations to be prescribed by him, is authorized to pay, out of \$5,000,000 hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, to be expended in cooperation with the proper authorities of the State concerned in compensating any farmer for his actual and necessary loss due to the enforced nonproduction of cotton within said zones: *Provided*, That no part of the funds herein authorized to be appropriated shall be available for compensation in connection with the establishment of a noncotton zone in any county unless and until the live pink bollworm is found within such county or within a radius of five miles thereof: *Provided further*, That such loss as to noncotton zones established by the State of Texas shall be determined as provided for in existing statutes of that State, and similarly by similar statutes which may later be provided by other States concerned, and that in estimating such loss due account shall be taken of the value of other crops which may be produced on said land, so that the loss shall not exceed the difference in return to the farmer from cotton over such other crops: *Provided further*, That such determination of actual and necessary loss shall be subject to the review and approval of the Secretary of Agriculture: *And provided further*, That no reimbursement shall be made with respect to any farmer who has not complied in good faith with all of the quarantine and control regulations prescribed by said Secretary of Agriculture and such State relative to the pink bollworm: *And provided further*, That the appropriation herein authorized shall be available only for compensation for the crop of 1928, unless the State in which any noncotton zone is established shall thereafter appropriate and pay a sum in each year equal to the amount expended in such State by the United States under this authorization.

Approved, May 21, 1928.



